

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**TOMMIE BEARD and JOE BEARD,
Husband and Wife,**

Plaintiffs,

V.

**HORLANDA M. DELEON-DELEON,
JOHN DOE 1-5, MARY DOE 1-5 and/or
DOE CORPORATION 1-5,**

Defendant(s).

Civil Action No. 12-5608 (KM)

ORDER

This matter having come before the Court by way of plaintiffs’ motion for default judgment against defendant Horlanda M. Deleon-Deleon (“defendant”) for defendant’s failure to plead or otherwise defend as provided by Federal Rule of Civil Procedure 55(a), see Mot. Default J., Apr. 10, 2013, ECF No. 9;

and plaintiffs seeking a default judgment against defendant on the purported basis that more than twenty-one (21) days have elapsed since defendant was served with process, and defendant has failed to plead or defend, see DeZao Decl. ¶ 7, Apr. 10, 2013, ECF No. 9-1;

and it appearing that default has not yet been entered in this case, nor have plaintiffs sought the entry of default;

and it further appearing that plaintiffs have failed to file a brief in support of the motion for default judgment and have failed to provide a statement explaining why no such brief is

necessary, in contravention of Local Civil Rule 7.1(d);¹

and it further appearing that the Court cannot consider a motion unaccompanied by either a supporting brief or a statement that no brief is necessary, see Lamberty v. Rosenberg, No. 05-227 (JBS), 2008 U.S. Dist. LEXIS 25873 (D.N.J. Mar. 31, 2008);

and for good cause shown;

IT IS ON THIS 6th day of May, 2013

ORDERED that plaintiffs' motion for default judgment (ECF No. 9) is **terminated** without prejudice; and it is further

ORDERED that, before refiling any such motion for default judgment, plaintiffs shall file on CM/ECF a request for entry of default as to defendant and shall address said request to the Clerk of the Court; and it is further

ORDERED that any renewed motion by plaintiffs for default judgment shall be accompanied by a brief that complies with Local Civil Rules 7.1 and 7.2, and the Federal Rules of Civil Procedure, or a statement that no brief is necessary.

s/ Michael A. Hammer

UNITED STATES MAGISTRATE JUDGE

¹ Local Civil Rule 7.1(d)(1) provides in pertinent part that "[n]o application will be heard unless the moving papers and a brief, prepared in accordance with L.Civ.R. 7.2, and proof or acknowledgment of service on all other parties, are filed with the Clerk at least 24 days prior to the noticed motion day." Further, Local Civil Rule 7.1(d)(4) provides that "[i]n lieu of filing any brief pursuant to L.Civ.R. 7.1(d)(1), (2) or (3), a party may file a statement that no brief is necessary and the reasons therefore."